

director of public relations from the fire department. The holder of said news media card has a right to file a written appeal within seven (7) days from the denial of his/her application or revocation of his/her news media card contesting the decision by serving such a request on the director of communications in the office of the mayor. Upon the filing of such appeal, the board has twenty-one (21) days to issue a written decision either granting or denying the appeal, a copy of which shall be forwarded by certified United States mail, return receipt requested, to the applicant or holder.

(Code 1968, § 2-320; Ord. No. 78-1630, § 10, 8-15-78)

Sec. 34-136. Renewal of cards.

Between January 1st and January 30th inclusive of each calendar year, all news-gathering representatives shall submit a renewal form with updated information for his or her personal and vehicle card which form shall also verify the person's employment as a news-gathering representative and reaffirm that such person is then still in compliance with sections 34-127 and 34-128 above. Such renewal forms shall be supplied by the division of public information in the police department.

(Code 1968, § 2-321; Ord. No. 78-1630, § 11, 8-15-78)

Sec. 34-137. Notification of residence address change; return of card upon termination of employment or change in job duties; report of loss or theft of card.

(a) Each person to whom a card has been issued shall, within five (5) days, notify the board in writing as to each change of his or her residence address.

(b) The holder of a card who has terminated his employment with the employer listed in his application or who no longer covers, on a regular or on-call basis, news events at which police and/or fire lines are established or where press facilities are utilized, shall return such card to the police chief within ten (10) days of such occurrence. A new application shall be submitted as hereinabove described before such person may subsequently be reissued a card.

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(c) The holder of a personal card and/or vehicle card shall immediately report the loss or theft of the card to the police chief. This loss shall be reported by letter giving the circumstances concerning the loss or theft thereof. When a duplicate card is required a written request shall accompany an affidavit of the loss.

(Code 1968, § 2-322; Ord. No. 78-1630, § 12, 8-15-78)

Sec. 34-138. Promulgation of rules, regulations to implement article provisions.

The chief of police is hereby authorized to promulgate and issue such rules and regulations as many as be necessary and proper to implement the provisions of this article.

(Code 1968, § 2-323; Ord. No. 78-1630, § 13, 8-15-78)

Secs. 34-139—34-150. Reserved.

ARTICLE V. SUBDIVISION SECURITY ORGANIZATIONS

Sec. 34-151. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Chief of police* shall mean the chief of police of the city, or his duly designated representative.
- (2) *Department* shall mean the city's police department.
- (3) *Subdivision security organization* or *Organization* shall mean a non-profit corporation, organization, or association organized by and maintained for the sole benefit of property owners within the residential subdivision organizing same, which provides or causes to be provided security and guard services within such subdivision located within the city.

(Code 1968, § 34-131; Ord. No. 81-2514, § 1, 12-22-81)

Sec. 34-152. Qualifications.

To be qualified under this article, an organization shall comply with the following requirements:

- (1) The security and guard services shall be provided through a "guard company" as defined in the Private Investigators and Private Security Agencies Act (art. 4413(29bb) Tex. Rev. Civ. Stats.) and duly licensed as a 'security services contractor' under said act which is operated by or under contract to the organization; and
- (2) The security personnel utilized shall be "commissioned security officers" under such act; and
- (3) The security service provided shall include an automobile security patrol maintained in the organization's subdivision or subdivisions on a twenty-four-hour a day, seven-day a week basis; and
- (4) The guard company operated or employed by the organization shall maintain a central office radio dispatch system on a twenty-four-hour a day, seven-day a week basis; and
- (5) The guard company operated or employed by the organization shall maintain a central dispatching office which has the necessary equipment to receive digital-dial alarm signals directly from the residential property owners within its subdivisions; and
- (6) The guard company operated or employed by the organization shall be prepared to respond to all alarm calls from within its subdivisions which it receives through its receiver or from other alarm companies; and
- (7) All costs and expenses of operation of the organization's security and guard services shall be borne solely by the organization and at no cost or expense to the city.

(Code 1968, § 34-132; Ord. No. 81-2514, § 1, 12-22-81)

Sec. 34-153. Access to police department radio frequencies—Requirements.

Subject to the following conditions, any organization qualified under the terms of this article may apply for and receive access to the radio frequencies of the department for its guard company's transmission and reception purposes:

- (1) The organization shall file a written application for such access with the chief of police on

forms prepared and provided by the chief of police; and

- (2) The organization or its guard company shall at its own cost and expense acquire and provide the city the necessary radio equipment for proper communication and interface with the department's communication system. The organization and its guard company shall agree in writing that all equipment so provided shall be and remain the property of the city, subject to the organization's right to utilize the same in conformity with this article. The department shall establish minimum standards for such equipment and the organization shall provide or cause to be provided only equipment which meets or exceeds such standards. The organization's guard company shall only access the department's communications system with communication equipment provided to the city under this subsection; and
- (3) The chief of police shall establish reasonable rules and regulations for the maintenance, operation, calibration, methods of access, training, frequencies which may be utilized, circumstances under which transmission is authorized, kinds of transmissions which are authorized and any other provisions necessary or desirable to prevent abuse or overloading of department frequencies by the organizations. Each organization shall agree in writing to comply and shall comply with all such rules and regulations, including all amendments thereto.

(Code 1968, § 34-133; Ord. No. 81-2514, § 1, 12-22-81)

Sec. 34-154. Same—Approval; rescision of approval.

Upon approval by the chief of police as provided in section 34-153 of this Code, the organization shall have access to the radio frequency or frequencies designated in the rules and regulations of the department for transmission and reception purposes in accordance therewith. The chief of police may suspend or revoke any such approval and the organization's guard company shall discontinue use of the department's radio frequencies and surrender the equipment upon a finding

by the chief of police that the organization or its guard company:

- (1) Is no longer qualified under section 34-152 of this Code; or
 - (2) Has failed to substantially comply with the rules and regulations of the department; or
 - (3) By its use of the department's radio frequencies impairs or overloads the proper operation of the department's radio communication system.
- (Code 1968, § 34-134; Ord. No. 81-2514, § 1, 12-22-81)

Secs. 34-155—34-159. Reserved.

ARTICLE VI. INVESTIGATION OF EMPLOYEE MISCONDUCT—POLICE OFFICERS AND FIREFIGHTERS*

Sec. 34-160. Definitions.

As used in this article, the following words and phrases shall have the meanings ascribed to them in this section unless the context of their usage clearly indicates another meaning:

Employee means a firefighter or police officer employed by the city who holds a position that is classified under article 1269m, Vernon's Texas Civil Statutes, and who has completed the probationary period specified in section 12 of article 1269m.

Investigation means any administrative investigation conducted by the city of any alleged misconduct by an employee that could result in punitive action against that employee.

Investigator means any agent or employee of the city who is assigned to conduct an investigation.

***Cross references**—Administration generally, Ch. 2; officers and employees, § 2-21 et seq.; civil service generally, Ch. 14; disciplinary action—city marshals and airport police, § 14-218 et seq.; ethics and financial disclosure, Ch. 18.

Punitive action means a disciplinary suspension, indefinite suspension, demotion in rank, or any combination of those actions.
(Ord. No. 86-2247, § 1, 12-30-86)

Sec. 34-161. Time of interrogation.

An investigator may interrogate an employee who is the subject of an investigation only during the employee's normally assigned working hours unless:

- (1) As determined by the employee's department chief or the chief's designee, the seriousness of the investigation requires interrogation at another time; and
 - (2) The employee is compensated for the interrogation time on an overtime basis.
- (Ord. No. 86-2247, § 1, 12-30-86)

Sec. 34-162. Work time missed.

The department chief may not consider work time missed from regular duties by an employee due to participation in the conduct of an investigation in determining whether to impose a punitive action or in determining the severity of a punitive action.
(Ord. No. 86-2247, § 1, 12-30-86)

Sec. 34-163. Interrogation at employee's home.

Investigators may not interrogate an employee who is subject to an investigation at the employee's home without the permission of the employee.
(Ord. No. 86-2247, § 1, 12-30-86)

Sec. 34-164. Identity of investigators.

An employee who is subject to an investigation has the right to inquire and, on inquiry, to be informed of the identities of all investigators taking part in any interrogation of the employee.
(Ord. No. 86-2247, § 1, 12-30-86)

Sec. 34-165. Formal complaints, complainants, anonymous complaints.

(a) Before an investigator may interrogate an employee who is subject to an investigation, the investigator must inform the employee in writing of the nature of the investigation and the names

of the persons who have complained about the employee concerning the matters under investigation.

(b) An investigator may not conduct an interrogation of an employee based on a complaint by a person who is not a peace officer unless the person verifies the complaint in writing before a public officer who is authorized by law to take statements under oath.

(c) An investigator may interrogate an employee about events or conduct reported by a witness who is not a complainant without disclosing the name of the witness.

(d) As used in this subsection, "complainant" means a person claiming to be the victim of police misconduct.

(e) This section does not prohibit an interrogation based on a complaint from an anonymous complainant if the departmental employee receiving the anonymous complaint certifies in writing, under oath, that the complaint was indeed anonymous.

(f) This section does not apply to on-the-scene investigations that occur immediately after an incident being investigated if the limitations of this section would unreasonably hinder the essential purpose of the investigation or interrogation. If the limitation would hinder the investigation or interrogation, the employee under investigation must be furnished, as soon as practicable, a written statement of the nature of the investigation and the names of the complaining parties.
(Ord. No. 86-2247, § 1, 12-30-86)

Sec. 34-166. Length of interrogation.

An interrogation session of an employee who is subject to an investigation may not be unreasonably long. In determining reasonableness, the gravity and complexity of the investigation must be considered. The investigator shall allow reasonable interruptions to permit the employee to attend to personal physical necessities.
(Ord. No. 86-2247, § 1, 12-30-86)

Sec. 34-167. Cooperation during investigation.

Investigators may not threaten an employee who is subject to an investigation with punitive action during an interrogation. However, an investigator may inform an employee that failure to answer truthfully reasonable questions directly related to the investigation or to cooperate fully in the conduct of the investigation may result in punitive action.

(Ord. No. 86-2247, § 1, 12-30-86)

Sec. 34-168. Recording interrogation; prior notice.

If prior notification of intent to record an interrogation is given to the other party, either the investigators or the employee subject to an interrogation may record the interrogation.

(Ord. No. 86-2247, § 1, 12-30-86)

Sec. 34-169. Results of investigation; employee response.

(a) If an investigation does not result in punitive action against an employee, but does result in a reprimand recorded in writing or an adverse finding or determination regarding the employee, the reprimand, finding, or determination may not be placed in a personnel file maintained on the employee unless the employee is first given an opportunity to read and sign the reprimand, finding, or determination. If the employee refuses to sign the reprimand, finding, or determination, it may be placed in the personnel file with a notation that the employee refused to sign it.

(b) An employee may respond in writing to any reprimand, finding, or determination that is placed in the employee's personnel file under this section by submitting a written response to the department chief no later than the tenth day after the date on which the employee was asked to sign the document. The response shall be placed in the personnel file.

(c) An employee who receives a punitive action and who elects not to appeal the action may file a written response as prescribed by this subsection

not later than the tenth day after the date on which the employee is given written notice of the punitive action from the department chief.
(Ord. No. 86-2247, § 1, 12-30-86)

Sec. 34-170. Reserved.

ARTICLE VII. DISPOSAL OF CERTAIN PROPERTY

Sec. 34-171. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned property means property subject to this article that has been in the possession of the police department for a period of not less than 90 days, as to which, upon completion of the procedures specified in sections 34-173 and 34-174 of this Code, a court of competent jurisdiction has determined that the identity of the actual owner of the property cannot be determined or as to which the owner has been finally determined by a court of competent jurisdiction and notified of the right to reclaim the property and the owner has failed to reclaim the property within 30 days following the date of the notice. Provided, the term "abandoned property" shall not include property that has been ordered destroyed or delivered to a governmental agency by a court of competent jurisdiction pursuant to the provisions of Art. 47.01a(b) of the Code of Criminal Procedure, or property the disposition of which is governed by section 34-172(b) of this Code.

Disposition list means a list or lists, to be printed and maintained by the police department, that shall contain a brief description of each item of stolen property, property of undetermined ownership, and abandoned property. Provided, however, that the disposition list shall not include property whose disposition is controlled by section 34-172(b) of this Code.

Property of undetermined ownership means any property, including stolen property, that comes into the possession of the police department or any officer thereof during the course and scope of

the department's or officer's duties, provided that (i) no lawful owner of the property has been finally determined; (ii) the property has not been deemed abandoned; (iii) the property is not being held as evidence for use in any criminal trial or pending case; or (iv) if a claim of right to possession of the property has been asserted, the property has not been ordered returned to the person entitled to possession of the property or otherwise disposed of by a court of competent jurisdiction.

Stolen property means any property alleged to have been stolen that comes into the custody of the police department or any officer thereof during the course and scope of the department's or officer's duties, provided that (i) no criminal action relating to the property is pending; (ii) the property is not being held as evidence for use in trials and pending cases; and (iii) the right to possession of the property has not been determined under the procedures authorized by section 34-174 of this Code and Article 47.01a of the Code of Criminal Procedure.

(Ord. No. 00-394, § 2, 5-17-00)

Sec. 34-172. Disposition of property held by the police department; authority of chief of police.

(a) The chief of police shall promulgate procedures to investigate ownership of property, to provide notice to potential claimants of, and to request disposition of property of undetermined ownership in a manner consistent with this article, to transfer property determined to be abandoned property under section 34-175 of this Code to the director of the department of finance and administration for notice and disposition procedures consistent with Article 18.17 of the Code of Criminal Procedure, to request that any abandoned property originally seized by the police department be converted to the use of the city, and to dispose of property or goods in the manner authorized by subsection (b) of this section.

(b) The chief of police shall promulgate written procedures directing the disposition by any reasonable and lawful means of the following classes of property held by the police department, without the necessity of complying with the proce-